

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

The annual fee adjustments established in accordance with provisions established in the County Code will accomplish the following:

1. Adjust the annual fees for the Hazardous Waste Generator and Hazardous Materials Handler Programs and the cost recovery hourly rates for emergency responses, site mitigation oversight and risk management plan reviews. This is to allow for changes in program costs brought about by staffing level changes necessary to implement state mandated program requirements, changes in salaries and overhead rates, and the number of regulated facilities falling within each of the established fee categories.
2. Promote full cost recovery for the Hazardous Waste Generator and Hazardous Materials Handler Programs.
3. Facilitate the single fee billing process mandated by the Unified Program by establishing fair and equitable fees to be billed for Fiscal Year 2004-05.

This Department implements the Hazardous Waste Generator, Hazardous Materials Handler, and the California Accidental Release Prevention (Cal-ARP) Programs under the auspices of the Unified Program. State law and the County Code allow for the recovery of reasonable and necessary costs to administer these programs. Your Honorable Board established annual fees and annual adjustment provisions for each of these programs to recover the costs of implementation. Cost recovery hourly rates were also established for emergency responses, site mitigation oversight, and risk management plan reviews by this Department. Annual adjustments were also established for these cost recovery rates.

The annual adjustment provisions established in the County Code maintain the same fee methodology as originally established by your Honorable Board. The adjustments incorporate changes in program costs that result from changes in salaries and overhead rates and the number of regulated facilities falling within each established fee category. Similarly, annual adjustment to cost recovery rates reflect changes in Departmental costs to administer those services.

Implementation of Strategic Plan Goals:

Adoption of the proposed annual fees and cost recovery rates for Fiscal Year 2004-05 will ensure full cost recovery for the Hazardous Materials/Waste Programs administered by this Department. Adoption will also facilitate the billing process for the single fee system mandated by the Unified Program.

FISCAL IMPACT/FINANCING:

The costs of implementation for the proposed fee revisions are negligible and the benefits will include fees that are apportioned in accordance with program costs to ensure full recovery of program implementation costs. Current program costs are fully offset by a combination of fees and direct cost recovery billing for specific services. The proposed revisions in annual fees for the Hazardous Waste, Hazardous Materials Handler, and Cal-ARP Programs will continue to allow full recovery of the reasonable and necessary costs to implement the programs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The fee revisions will be effective in all areas under the jurisdiction of the Los Angeles County Certified Unified Program Agency (CUPA) for Fiscal Year 2004-05. The invoices for these facilities will be generated and mailed throughout the fiscal year. The Cities of Los Angeles and Santa Monica will generate annual fee invoices in July 2004 for Fiscal Year 2004-05 for the Hazardous Waste Generator Program and are awaiting any changes in our fee schedule.

California Health and Safety Code, Sections 25404.5(a)(2) and (3), grant authorization to the governing body of the local CUPA to establish fees to recover reasonable and necessary program costs.

The Auditor-Controller has reviewed and approved the cost basis and fee adjustments.

The annual adjustments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(8), because they involve fees to recover operating costs.

This request for approval of the revised fees is made after compliance with all public notification and hearing requirements as specified in Sections 6062(a) and 66018 of the Government Code.

IMPACT ON CURRENT SERVICE (OR PROJECTS):

The approval of the annual fee adjustments for the Hazardous Waste, Hazardous Materials Handler, and Cal-ARP Programs for the cost recovery programs will serve to establish the reasonable and necessary fees for Fiscal Year 2004-05, facilitate the fiscal

The Honorable Board of Supervisors
May 27, 2004
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year billing process mandated by the Unified Program, and assure full recovery of program implementation costs. The annual adjustments fairly allocate changes in program costs to regulated facilities while maintaining the integrity of the original fee methodologies.

CONCLUSION:

Please return the adopted stamped copy of the letter and attachments to Bill Jones, Chief, Health Hazardous Materials Division, 5825 Rickenbacker Road, Commerce, CA 90040.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "P. Michael Freeman", with a long horizontal flourish extending to the right.

P. MICHAEL FREEMAN

PMF:ml

Attachment

c: David E. Janssen, Chief Administrative Officer
Violet Varona-Lukens, Executive Officer
Louisa Ollague, Deputy
Randi Tahara, Deputy
Joseph Charney, Deputy
Matt Knabe, Deputy
Jennifer Plaisted, Deputy
Auditor-Controller
County Counsel

**NOTICE OF PUBLIC HEARING
PROPOSED FEE SCHEDULE**

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Los Angeles regarding adjustments in the annual fees to be paid by businesses generating hazardous waste or handling hazardous materials in Los Angeles County, and the hourly rates to be paid for hazardous material emergency response, site mitigation oversight, and risk management plan review cost recovery programs.

Said hearing will be held on Tuesday, June 22, 2004 at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the fee schedule. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call (323) 890-4045.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (323) 890-4045.

VIOLET VARONA-LUKENS
EXECUTIVE OFFICER – CLERK OF
THE BOARD OF SUPERVISORS

NOTICE OF INSTRUCTIONS

Section 66018 of the California Government Code requires that when there is an increase of an existing fee, a local agency shall hold a public meeting as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062(a). Section 6062(a) states that publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or more often. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Therefore, the Los Angeles County Fire Department, Health Hazardous Materials Division, respectfully requests that the Executive Office of the Board of Supervisors publish the provided Notice of Public Hearing Proposed Fee Schedule with the County's contract newspaper to be in compliance with the above sections of the Government Code.

PROGRAMS	2001- 2002	2002- 2003	2003- 2004	2004- 2005	\$ Change	Perce nt
	Fees	Fees	Fees	Fees	from 2003- 2004	Chan ge
HAZARDOUS WASTE						
Silver Only	\$182.00	\$190.00	\$205.00	\$220.00	\$15.00	7.12%
Employees 0-5	\$364.00	\$381.00	\$410.00	\$439.00	\$29.00	7.12%
Employees 6-19	\$502.00	\$531.00	\$572.00	\$611.00	\$39.00	6.78%
Employees 20-100	\$706.00	\$753.00	\$811.00	\$866.00	\$55.00	6.74%
	\$1,029.0	\$1,104.0	\$1,190.0	\$1,268.0		
Employees 101-500	0	0	0	0	\$78.00	6.58%
	\$1,725.0	\$1,850.0	\$1,993.0	\$2,124.0		
Employees 501- or more	0	0	0	0	\$131.00	6.59%
HAZARDOUS MATERIALS (DISCLOSURE)						
Special	\$140.00	\$144.00	\$149.00	\$159.00	\$10.00	6.43%
Category I - Minor	\$208.00	\$214.00	\$223.00	\$234.00	\$11.00	4.89%
Category II - Moderate	\$271.00	\$279.00	\$291.00	\$304.00	\$13.00	4.55%
Category III - Major	\$380.00	\$390.00	\$408.00	\$426.00	\$18.00	4.32%
Category IV - Major Large	\$529.00	\$542.00	\$574.00	\$587.00	\$13.00	2.22%
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Category V - Major Complex	\$868.00	\$887.00	\$951.00	\$950.00	-\$1.00	0.11%
Cal-ARP						
Weighted Hourly Rate	\$95.73	\$96.02	\$99.85	\$105.74	\$5.89	
EMERGENCY RESPONSE						
Weighted Hourly Rate	\$89.44	\$84.73	\$87.81	\$93.02	\$5.21	
Administration (one time charge)	\$178.00	\$169.00	\$176.00	\$186.00	\$10.00	
SITE MITIGATION						
Weighted Hourly Rate	\$92.18	\$95.75	\$99.31	\$105.74	\$6.43	
SMU Initial Review (one time charge)	\$1,380.0	\$1,436.0	\$1,490.0	\$1,586.0		
	0	0	0	0	\$96.00	

